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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,965	02/19/2002	John W. Brittain		3724

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EXAMINER

RIVERO, MINERVA

ART UNIT PAPER NUMBER

2655

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,965

Applicant(s)

BRITTAİN ET AL.

Examiner

Minerva Rivero

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/19/2002</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires consecutive numbering of the claims.

There is no claim 22.

So, misnumbered claims 23-32 have been renumbered 22-31.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 5, 9-13, 18-21, 23, 25-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daberko *et al.* (US Patent 5,842,170) in view of Matthews (US Patent 5,893,900), and further in view of Balasubramanian *et al.* (US Patent 5,655,058).

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4. Regarding claims 1, 4, 9-10, 15, 23 and 29, Daberko *et al.* disclose a method of and system for augmenting sound information, comprising:

providing a recorded stream of sound (*previously recorded voice message*, Col. 2, Line 46);

means for recording a stream of sound (*recording device*, Col. 4, Lines 40-41; Fig. 1) and

providing a sound annotation (*inserting a new message*, Col. 2, Lines 44-49).

However, Daberko *et al.* do not disclose but Matthews does disclose providing a marker of sound, comprising inserting a predetermined sound into said recorded stream of sound (*tone markers*, Col. 2, Lines 21-24).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Daberko *et al.* by providing a marker of sound, comprising inserting a predetermined sound into said recorded stream of sound, as taught by Matthews, in order to effectively signal the existence of a particular audio segment to a user listening to the playback of a recording.

Furthermore, neither Daberko *et al.* nor Matthews explicitly disclose but Balasubramanian *et al.* do disclose

said marker of sound provides a connection or link to said annotation, whereby said marker of sound and sound annotation provide enhanced communication collaboration among a plurality of users and selectively playing back said sound annotation when said marker of sound is reached (*indexing the audio stream to identify*

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and locate particular audio segments, Col. 2, Lines 13-24; *selecting audio segments*, Col. 2, Lines 24-28);

means for creating and playing back said sound information (Fig. 11, element 143; *indexing the audio stream to identify and locate particular audio segments*, Col. 2, Lines 13-24; *selecting audio segments*, Col. 2, Lines 24-28) and

means for distributing and providing access to said sound information (Fig. 11, element 143; *indexing the audio stream to identify and locate particular audio segments*, Col. 2, Lines 13-24; *selecting audio segments*, Col. 2, Lines 24-28).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the combined teachings of Daberko *et al.* and Matthews with providing a connection or link to said annotation, whereby said marker of sound and sound annotation provide enhanced communication collaboration among a plurality of users, and selectively playing back said sound annotation when said marker of sound is reached, providing means for creating and playing back said sound information, and having means for distributing and providing access to said sound information, as taught by Balasubramanian *et al.*, in order to provide practical navigation and retrieval of the audio recording and wherein the user has the option to play or skip an audio segment as needed, as further taught by Balasubramanian *et al.* (Col. 2, Lines 24-28).

5. Regarding claims 2, 12, 20 and 26, Daberko *et al.* do not explicitly disclose but Matthews does disclose said predetermined sound into said stream of sound is done so

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that said predetermined sound is in a position that corresponds to the content of sound in said stream of sound (*markers*, Fig. 4; *inserting marker at appropriate location*, Col. 4, Lines 36-40).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Daberko *et al.* by having said predetermined sound into said stream of sound is done so that said predetermined sound is in a position that corresponds to the content of sound in said stream of sound, as taught by Matthews, in order to produce a logically organized audio recording.

6. Regarding claims 3, 13, 21 and 27, Daberko *et al.* further disclose said sound annotation adds information or content that is relevant to said stream of sound (*adding a more complete thought*, Col. 1, Lines 37-43).

7. Regarding claim 4, Daberko *et al.* further disclose including creating and playing back said sound information (*recording and playing back a message*, Col. 5, Lines 39-49).

8. Regarding claims 7 and 24, Daberko *et al.* suggest creating or playing back a second annotation of sound, linking said annotation of sound with said sound annotation, which is also said stream of sound, thus nesting said sound annotations (*inserting a message within an existing message*, Col. 3, Lines 22-30).

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9. Regarding claim 8, Daberko *et al.* disclose said sound information consists of sound selected from the group of sounds that are within the range of sound frequencies that can be heard by the human ear (*voice messages*, Col. 3, Line 26).

However, the combined teachings of Daberko *et al.*, Matthews and Balasubramanian *et al.* do not explicitly disclose said sound information consists of sound selected from the group of sounds that are below and above the range of sound frequencies that can be heard by the human ear.

The Examiner takes Official Notice that it is well known in the art that frequencies of sound can be recorded that are not within the frequency range audible by the human ear. Recording of infrasound and ultrasound is employed in the scientific research and monitoring of various animal species.

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the combined teachings of Daberko *et al.*, Matthews and Balasubramanian *et al.* by having said sound information consist of sound selected from the group of sounds which are below and above the range of sound frequencies which can be heard by the human ear, in order to enable the sound annotating system to be employed in cases where infrasound and ultrasound recording is required, such as zoological research.

10. Claims 6, 14, 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daberko *et al.* (US Patent 5,842,170) in view of Matthews (US Patent

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5,893,900), further in view of Balasubramanian *et al.* (US Patent 5,655,058) and further in view of Nakamura *et al.* (US Patent 5,220,611).

Regarding claims 6, 14, 22 and 28, the combined teachings of Daberko *et al.* Matthews and Balasubramanian *et al.* do not disclose but Nakamura *et al.* do disclose providing security access control for creating, selecting, and playing said sound information (*edition and regeneration of audio following input of a password*, Fig. 8, steps 8a, 8c and 8i).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the combined teachings of Daberko *et al.* Matthews and Balasubramanian *et al.* with providing security access control for creating, selecting, and playing said sound information, as taught by Nakamura *et al.*, in order to prevent unauthorized tampering with the sound annotations and protect the privacy of the users.

11. Claims 16-17 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daberko *et al.* (US Patent 5,842,170) in view of Matthews (US Patent), further in view of Balasubramanian *et al.* (US Patent 5,655,058), and further in view of Logan *et al.* (US Patent 5,732,216).

12. Regarding claims 16 and 30, the combined teachings of Daberko *et al.*,

Matthews and Balasubramanian *et al.* do not explicitly disclose, but Logan *et al.* do disclose means for generating said sound information by said computer system according to predefined logic or conditions which are stored in said computer system, or generating signals for action or attention based on content of said sound information according to predefined logic or conditions which are stored in said computer system (see Abstract; *programming is in accordance with subscriber's preferences*, Col. 7, Lines 8-21; *cue signals*, Col. 13, Lines 45-55 and Col. 32, Lines 29-45).

Therefore it would have been to one ordinarily skilled in the art at the time of the invention to supplement the combined teachings of Daberko *et al.*, Matthews and Balasubramanian *et al.* with means for generating said sound information by said computer system according to predefined logic or conditions which are stored in said computer system, or generating signals for action or attention based on content of said sound information according to predefined logic or conditions which are stored in said computer system, as taught by Logan *et al.*, in order to save the user time by avoiding the playback of information of no interest to the user and eliminating the need to browse large quantities of information.

13. Regarding claims 17 and 31 the combined teachings of Daberko *et al.*, Matthews and Balasubramanian *et al.* do not explicitly disclose, but Logan *et al.* do disclose means for tailoring said computer system execution through user-defined operational parameters which are stored in said computer system (*player settings*, Col. 11, Lines 58-67).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the combined teachings of Daberko *et al.*, Matthews and Balasubramanian *et al.*, with means for tailoring said computer system execution through user-defined operational parameters which are stored in said computer system, as taught by Logan *et al.*, since it is very probable that the user will repeat the previous operational parameters.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rokoff *et al.* (US Patent 6,606,374) disclose a system and method for inserting audio descriptions using an IVR system.

Li *et al.* (US Patent 6,397,181) disclose a method and apparatus for voice annotating digital media.

Rubin *et al.* (US 2002/0099552 A1) disclose an apparatus for the retrieving, categorizing and sorting audio annotations.

Haddock (US Patent 5,742,736) discloses a device for associating markers with segments of a voice message.

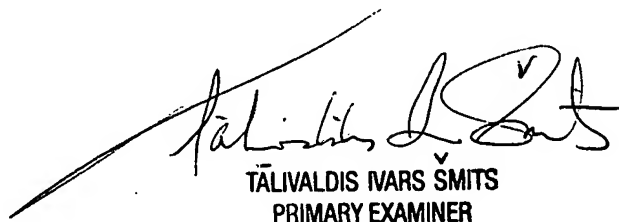
Wilcox *et al.* (US Patent 5,659,662) disclose a system and method for identifying and indexing the various speakers in an audio recording.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (571) 272-7628. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 5/25/2005



TĀLIVALDIS IVARS ŠMITS
PRIMARY EXAMINER